

EXHIBIT A

1 Q So it's not really fine print. Is it fine
2 print, in your opinion?

3 A Yeah, because it's small. It's --

4 Q Just because it's small?

5 A Yeah. 01:43:07

6 Q That's what you mean. Okay.

7 All right. Back to your declaration,
8 Paragraph 4. "As a result of the excessive
9 information, I was confused as to both what the
10 purpose of the disclosure was and what it actually 01:43:24
11 authorized."

12 You understood there was a purpose to the
13 disclosure; right? You just were confused what that
14 purpose might be?

15 A As in -- as in being a simple criminal 01:43:47
16 background check, yes. That's what I thought.

17 Q You understood it was --

18 You thought it was just a simple criminal
19 background check? That's what you're saying?

20 A Yes. 01:44:03

21 Q Okay. What do you mean by a simple
22 criminal background check?

23 A As in like a background check. That's -- I
24 thought it was just a simple background check that
25 everybody gives you. 01:44:17

1 Q Okay.

2 A And --

3 Q And your understanding now is that's not
4 the case?

5 A Yeah. 01:44:24

6 Q What -- what makes it different than what
7 everybody else does?

8 A Where -- where everybody can contact
9 whoever or whomever and -- and if I would have known
10 that, like I probably wouldn't have signed it. 01:44:47

11 Q Okay. So your testimony is, look, I
12 thought they were going to run like a public records
13 search or something.

14 A Yeah.

15 Q I didn't know they would be contacting -- 01:45:04

16 A Like my grandma, my -- you know, like --

17 Q -- contacting witnesses or something?

18 A Yeah.

19 Q Okay. And if it's just a criminal
20 background search, you have no problem with that, 01:45:21
21 though; right?

22 A Yes.

23 Q It's when they do more, to go contact other
24 witnesses and whatever else?

25 A Yes. 01:45:28

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1 Q If you were to learn that 7-Eleven actually
2 didn't contact witnesses and only did what you call
3 a simple criminal background check, would you still
4 be upset?

5 MR. PELUSO: Objection. Calls for 01:45:41
6 speculation.

7 THE WITNESS: No.

8 BY MR. CHRISTENSEN:

9 Q Okay. You also say in here that you were
10 confused what it actually authorized. 01:45:59

11 And I think that's kinda we're talking
12 about the same thing again. You're saying I'm okay
13 if they run the background search and find out about
14 my misdemeanor, but I don't -- I don't want them
15 talking to witnesses and things. 01:46:14

16 A Yes.

17 Q That's what you're saying?

18 A Yes.

19 Q And you were confused that this form
20 authorized them to do that? 01:46:20

21 A Yes.

22 Q Okay. All right. Paragraph 5 you say,
23 "Despite not understanding the nature of the
24 information that would be disclosed, I chose to
25 execute the disclosure to continue with the 01:46:55

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1 application process."

2 That's still true, in your opinion?

3 A Yes.

4 Q And, again, the nature of the information

5 is the talking to witnesses; right? 01:47:07

6 A Yes.

7 Q Okay. You then say, Paragraph 6, "Starting

8 on January 26, 2018, I began my employment with

9 7-Eleven."

10 It was actually January 30th; right? 01:47:24

11 A Yes.

12 Q Okay. And then, "Approximately one month

13 later, on or around February 21st, 7-Eleven informed

14 me that I was terminated based upon information

15 contained in my background check." 01:47:37

16 That's still true; right?

17 A Yes.

18 Q That's accurate. Okay.

19 "In short, had I understood the information

20 that would be provided to 7-Eleven, I would not have 01:47:48

21 signed the disclosure."

22 Again, the information is not the -- not

23 the misdemeanor, but additional information beyond

24 that; right?

25 A Yes. 01:48:00

1 Q And that's still true?

2 A Yes.

3 Q Had it been limited to just we're just
4 going to look up public records, criminal history --

5 I don't know -- you have no problem signing that; 01:48:11
6 right?

7 A Yes.

8 Q And, in fact, you told Mike, "Yeah. Go
9 ahead and run a background search"?

10 A Yes. 01:48:19

11 Q Okay. All right. Let's look at the
12 disclosure here.

13 MR. PELUSO: Just sticking with the same
14 exhibit? Yeah.

15 MR. CHRISTENSEN: I guess so. Yeah. We're 01:48:34
16 on it, I guess. Actually, no, you're probably
17 right.

18 Okay. Let's grab -- if you have Exhibit 8
19 lying around. Or you know what? I might have a
20 better one here. 01:48:56

21 That's okay. All right. We'll stick to
22 this exhibit. If we have to bounce around, we'll do
23 it, but we'll try to make this simple.

24 Q All right. So we're still on Exhibit --

25 MR. PELUSO: 16, I think. 01:49:12

1 THE COURT REPORTER: Yes.

2 BY MR. CHRISTENSEN:

3 Q 16. Thank you.

4 All right. This is the disclosure and this
5 is the disclosure you say you were confused by; 01:49:18
6 right?

7 A Yes.

8 Q And did you read this disclosure?

9 A Yes.

10 Q Word for word? 01:49:32

11 A No.

12 Q How much of this disclosure did you read?

13 A About the first, first sentence, first
14 couple sentences. Yeah.

15 Q First couple sentences. Okay. 01:49:48

16 Let's -- let's go through so you can show
17 me what you read exactly, and then we'll talk to
18 what you understood. All right.

19 Okay. So the heading, and it's kinda
20 covered up by the court stamp, but it 01:50:08
21 says, "Disclosure Regarding Background
22 Investigation."

23 Did you read that?

24 A Yes.

25 Q And did you understand what that was? 01:50:18

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1 A No.

2 Q You didn't understand what that meant?

3 A No.

4 Q What did you think it meant?

5 A I thought it was just a background check. 01:50:27

6 Q Okay. And is it your understanding now

7 that it's not?

8 A Yes.

9 Q And the reason why, why do you think it's

10 not a background check? 01:50:41

11 A Because what it says right here, it says

12 consumer report, background report, and the

13 investigative consumer report --

14 Q Okay.

15 A -- which I have no idea of what those are. 01:50:52

16 Q Okay. Okay. So you first see, "Disclosure

17 Regarding Background Investigation," and you're

18 saying I don't know what background investigation

19 means?

20 A Yeah. 01:51:04

21 Q You, at least, understood it was some kind

22 of investigation into your background, though;

23 right?

24 A Yes.

25 Q And you agree that that suggests it's maybe 01:51:11

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1 even broader than just a criminal history search;
2 right?

3 A Yes.

4 Q All right. So then you -- you read this
5 first sentence, you say? 01:51:24

6 A Yes.

7 Q And, again, this is -- just so I'm clear,
8 you're at the 7-Eleven office on the computer;
9 right?

10 A Yes. 01:51:32

11 Q Reading this.

12 Okay. So let's read this first sentence
13 together. "For the purpose" --

14 Or actually will you read it, the first
15 sentence? 01:51:41

16 A "For the purpose of maintaining the safety
17 and security of our stores, customers, employees,
18 and property, 7-Eleven, Inc., may order a consumer
19 report, background report or investigate" --
20 "investigative consumer report on you in connection 01:51:56
21 with application for employment on your ongoing
22 employment with 7-Eleven."

23 Q Okay. Good. So that's the sentence you
24 read at the time?

25 A Yes. 01:52:11

1 Q And I think I understand you're saying you
2 didn't understand what this sentence was saying?

3 A Yes.

4 Q Okay. What about it don't you understand?

5 A I don't know what a consumer report is, 01:52:29
6 background report or investigative consumer report.

7 Q Okay. At the time did you have any thought
8 as to what those might mean?

9 A I just thought it was a background check.

10 Q Just a background check, like you're saying 01:52:50
11 public records check or whatever?

12 A Like every other -- every other application
13 that I've done.

14 Q Yeah.

15 A I thought it was the same thing -- 01:52:59

16 Q Okay.

17 A -- with the background check.

18 Q Okay. But those phrases -- consumer
19 report, background report, investigative consumer
20 report -- those were foreign to you? 01:53:10

21 A Yes.

22 Q Okay. Did you say, "Mike, man, I don't
23 know what this means. What are they talking about,
24 a consumer report, investigative consumer report"?

25 A No. 01:53:23

1 A Yeah.

2 Q Yeah. Okay.

3 So as you read that now, does it help you
4 see that these kinda weirder terms -- consumer
5 report, background report, investigative consumer 02:03:00
6 report -- are then explained below saying, look,
7 we're going to look at sources, look into your
8 character, general reputation, we might do personal
9 interviews? Does that help you understand what the
10 report might look like? 02:03:16

11 MR. PELUSO: Objection as to the form.

12 THE WITNESS: Kind of. Not really, I mean.

13 BY MR. CHRISTENSEN:

14 Q What confuses you about that?

15 A Because like is it all of them put into one 02:03:30
16 or --

17 Q All of what put into one? Sorry.

18 A -- or is it just -- is it consumer report
19 or is it a background report or is it an
20 investigative report -- 02:03:45

21 Q Okay.

22 A -- or is it just all of them put
23 together --

24 Q Sure. So your concern --

25 A -- basically? 02:03:51

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1 BY MR. PELUSO:

2 Q And if you understood that 7-Eleven had the
3 right or was asking you to give them the right to do
4 things like contact past employers and family
5 members, would you have said yes? 02:16:18

6 A No.

7 Q Okay. Just one thing.

8 I believe you said that this -- we're
9 looking at Exhibit 16 still, the background check
10 disclosure there. 02:16:37

11 You'd stated that you don't recall reading
12 this whole thing?

13 A No.

14 Q Is that because you --

15 Well, why did you stop reading after you 02:16:48
16 saw background check?

17 A Because I thought it was just a simple
18 background check, just --

19 Q And that's what you were authorizing?

20 A Yes. I thought it was like every other job 02:16:59
21 background check.

22 Q So asking you to authorize additional
23 things you believe is outside the scope of a basic
24 background check?

25 MR. CHRISTENSEN: Objection. Leading. 02:17:16

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1 THE WITNESS: Yes.

2 MR. PELUSO: Okay. I don't have any more
3 questions.

4 MR. CHRISTENSEN: Okay. Just a couple
5 follow-ups on that. 02:17:23

6
7 FURTHER EXAMINATION

8 BY MR. CHRISTENSEN:

9 Q I think I understand what you're saying
10 that, what you understood, this form was authorizing 02:17:31
11 a basic background check; right?

12 A Yes.

13 Q And your counsel mentioned you thought
14 calling schools would go above a basic background
15 check; is that right? 02:17:45

16 A Yes.

17 Q Do you have an issue with 7-Eleven calling
18 past schools?

19 A I mean, is it -- is it necessary?

20 Q I'm just asking if you have an issue with 02:17:56
21 it.

22 A I mean, no. I don't have an issue.

23 Q Okay. So why wouldn't you have authorized
24 them to do it?

25 A Because I don't think they need -- they 02:18:10

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